

3-15-2020


HONORABLE KENNETH M. KARAS,

HELLO JUDGE I AM JOSEPH SMITH 1521934, I AM WRITING YOU IN REGARDS OF CASE 7:19-CV-01283-KMK DOCUMENT 35 FILED 2/24/2020. I HAVE BEEN RE-INCARCERATED ON A PAROLE VIOLATION AND I AM BEING HELD CURRENTLY IN ALBION NEW YORK AT ORLEANS STATE CORRECTIONAL FACILITY. I WAS ARRESTED ON OCTOBER 25, 2019 AND I'VE BEEN IN CUSTODY SINCE THAT DATE.

I WAS NOT COMMUNICATING WITH MY GIRLFRIEND UNTIL RECENTLY WHO HAPPENS TO RESIDE WITH ME AT 455 NORTH BROADWAY #58 YONKERS, NY 10701. WHEN I SPOKE TO HER SHE INFORMED ME ABOUT SOME MAIL THAT WAS SENT TO ME AND WHEN SHE MENTIONED A LETTER FROM THE UNITED STATES DISTRICT COURT, I ASKED HER TO OPEN IT AND READ IT TO ME OVER THE PHONE. AFTER LISTENING TO WHAT SHE READ I ASKED HER FOR THE ADDRESS, CASE NUMBER AND THE JUDGE'S NAME SO I CAN RESPOND IMMEDIATELY.

THE REASON WHY I COULD NOT RESPOND TO THE COURT REGARDING MY CLAIM IS BECAUSE I AM INCARCERATED AND I WAS NOT IN CONTACT WITH MY GIRLFRIEND TO BE NOTIFIED ABOUT ANY MAIL FOR ME SENT TO MY ADDRESS. AT THIS TIME I AM REQUESTING FOR AN EXTENSION SO I CAN GO TO THE LAW LIBRARY AND DO RESEARCH TO HELP MYSELF WITH THIS CLAIM. THANK YOU JUDGE KARAS.

Respectfully,

  
 JOSEPH SMITH

DOCCS-3 (11/13)

NAME: Smith, Joseph

WARRANT: 744446

### III. ANALYSIS

Parolee, Joseph Smith, is within Category 1 of the guidelines.

His instant offense is Assault 2nd degree serving a determinate sentence of 3 years plus 5 years PRS. This is his second parole violation on this term. He was released to parole supervision on 6/20/19. The parole warrant was lodged on 11/4/19.

Parolee did not abscond. Returned to custody via a new arrest with a subsequent conviction to a misdemeanor charge.

A final parole hearing was conducted on November 26, 2019. DOCCS was represented by a Parole Revocation Specialist and with counsel for the parolee entered into a negotiated plea agreement. Parolee pled guilty to Charge 5, Rule 11, possessing PCP and Charge 7, Rule 8, pleading guilty to Resisting Arrest, as a violation in an important respect. DOCCS withdrew the remaining charges with prejudice. The delinquency date of 10/25/19 is modified to 11/4/19.

For the forgoing reasons, this court finds that parolee did violate a condition of his parole in an important respect. The joint recommendation of the parties is for a time assessment/alternative program. I concur with the joint recommendation of the parties and hereby impose a time assessment of 15 months. However, if he enters and completes a 90 day drug treatment program offered by NYS DOCCS, the hold will be modified to revoke and restore – time served and you will be released from State prison and restored to supervision in the community.

Hon. Edward R. Mevec  
Administrative Law Judge

NOTICE: Guidelines For Dispositions To Be Made After Parole Has Been Revoked At A Final Hearing Are Contained In Rule and Regulation 9 NYCRR-Subtitle CC-Part 8005.20.

**ORLEANS CORRECTIONAL FACILITY**

3531 Gaines Basin Road  
Albion, New York 14411-9199

NAME: JOSEPH SMITH DIN: 1521934

ORLEANS



CORRECTIONAL FACILITY

NEOPOST

03/19/2020

US POSTAGE

FIRST-CLASS MAIL

\$000.50<sup>00</sup>



ZIP 14411  
041M11280436

CLERK  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
THE DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE  
U.S. COURTHOUSE - 500 PEARL STREET  
NEW YORK, NY 10007

JSM P3  
NY

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LEGAL MAIL